



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture Seventy-eighth session

Summary record of the 2058th meeting*

Held at the Palais Wilson, Geneva, on Wednesday, 15 November 2023, at 10 a.m.

Chair: Mr. Heller

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* No summary record was issued for the 2057th meeting.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention (continued)

Fourth periodic report of Slovenia (CAT/C/SVN/4; CAT/C/SVN/QPR/4)

1. *At the invitation of the Chair, the delegation of Slovenia joined the meeting.*
2. **Ms. Švarc Pipan** (Slovenia), introducing her country's fourth periodic report (CAT/C/SVN/4), said that non-governmental organizations (NGOs) and the Human Rights Ombudsman were consulted during the drafting of all reports to the treaty bodies. The absolute prohibition of torture – under both the Constitution and the Criminal Code – had been repeatedly confirmed by the courts, most recently by the Constitutional Court in 2023.
3. The situation in Slovenia in the years that had passed since the periodic report had been submitted in 2019 had been greatly influenced by the coronavirus disease (COVID-19) pandemic. Her Government, which had taken office in June 2022, considered that the systematic imposition of fines for breaches of the public health measures in place during the pandemic had amounted to excessive punishment and had therefore enacted a law in October 2023 providing for the automatic reimbursement of related fines and the deletion from all records of the personal data of those penalized. During the pandemic, suspended sentences, early release and deferred sentences had been used to avoid having prisoners share cells; in addition, a pilot project – since made permanent – of video-link contact with prisoners had been introduced. In view of the increase in domestic violence and violence against women and girls at the time, the measures adopted during the pandemic had included ensuring the availability of social work centres and social assistance programmes at all times, establishing additional helplines and enhancing cooperation between social services and the police.
4. Her Government's efforts to prevent domestic violence and violence against women included an awareness-raising campaign involving the training of social workers, the publication of a book and a media campaign, among other measures. An annual conference for all governmental and non-governmental stakeholders was held to mark the International Day for the Elimination of Violence against Women. A national programme to prevent domestic violence and violence against women would be finalized by the end of 2023 and would feature over 100 measures, from awareness-raising to legislation. A domestic violence action plan for 2023 and 2024 had been drawn up. Any firearms found in the possession of domestic violence suspects were confiscated.
5. Social workers, police officers and all personnel coming into contact with victims of violence were given training on a yearly basis on domestic violence and violence against women. Human rights and fundamental freedoms formed the cornerstone of police training and procedures, and emphasis was placed on the principle of proportionality, as was demonstrated by the fact that police had used firearms in just three cases and stun guns in just two between 2018 and 2022.
6. In order to address overcrowding, construction of a new prison in Ljubljana had begun in October 2022. Expected to open in 2025, the prison would focus on resocialization and would feature facilities for occupational therapy, leisure activities and education, among other things; accessibility for persons with disabilities would be ensured. The European Code of Ethics for Prison Staff was strictly observed, and the Human Rights Ombudsman actively cooperated with the Ministry of Justice on staff training activities.
7. Under the National Mental Health Programme, adopted in 2018, treatment was being moved from secondary health-care facilities to the country's 35 community mental health centres. A social care deinstitutionalization strategy covering the period from 2024 to 2034 would be adopted by the end of 2023. Under the 2023 Long-term Care Act, a public care system had been established in which users could choose between home care, institutional care, day care, a family caregiver or a cash benefit.
8. In order to improve the socioeconomic situation of the Roma community while preserving its members' culture, language and identity, the National Programme of Measures for the Roma Community 2021–2030 had been adopted in December 2021 following consultation with representatives of the Roma community itself and relevant organizations.

Measures taken between 2017 and 2021 with a view to addressing the issue of forced and early marriages in the Roma community included the formation of a working group that incorporated Roma and NGO representatives, the organization of an awareness-raising campaign and the publication of a handbook on identifying such marriages and the action to be taken in such cases; forced marriage was a criminal offence. The “School: the Path to Success” project encouraged Roma children and youth to seek an education.

9. With a view to combating trafficking in persons, the Anti-Trafficking Service had been established in November 2018, the Aliens Act had been amended in March 2021 to allow trafficking victims to stay in Slovenia for 90 days and the Crime Victim Compensation Act had been amended earlier in 2023 to entitle trafficking victims who were not citizens of the European Union to compensation. A designated NGO interviewed asylum-seekers and persons with temporary protection to identify potential trafficking victims. Under a State-funded crisis accommodation project, trafficking victims were given assistance for a 30-day period, and information on the dangers of human trafficking was distributed to educational institutions at all levels, social work centres, community health centres, safe houses and women’s shelters. Labour inspectors were trained to identify trafficking victims. In addition, with a view to detecting cases of exploitation and forced labour among migrant workers, the Labour Inspectorate and the Employment Service had launched an online service to check work permits and ensure that employed foreigners were not under duress. The Government had resolved the staffing and capacity problems that the increase in the number of applicants for international protection had posed and, in October 2023, had issued a decree providing for appropriate accommodation, care and treatment for unaccompanied minors.

10. Lastly, since the Office of the Human Rights Ombudsman was fully compliant with the Paris Principles, it had been granted category A status by the Global Alliance of National Human Rights Institutions (GANHRI) in January 2021.

11. **Mr. Buchwald** (Country Rapporteur) said that he would appreciate further details on the steps that the State party had taken in response to violations by the police of the rights of foreigners who had entered Slovenia, particularly from Croatia and from Bosnia and Herzegovina, without proper documentation. The reported violations included a lack of access to interpretation, coercion of persons into signing Slovene-language documents with no explanation of their content, obstacles to legal representation and the return of unaccompanied minors without following the required procedures. He understood that binding guidelines were to be issued for border police to ensure respect for the right to claim asylum, and he wished to learn more about them, in particular the extent to which those guidelines incorporated more consistent procedures for documenting how the police handled such claims, as recommended by the Ombudsman. He would be interested to learn more about the training on the prohibition of torture and ill-treatment provided to officials coming into contact with asylum-seekers and refugees, including police officers, border guards and medical professionals. He would also welcome an update on the removal of the fence along the Croatian border, on which work had reportedly stopped soon after its commencement.

12. It would be useful to hear what lessons the State party had learned from the episode, as reported by the Ombudsman, in which persons – supposedly as a means of controlling the spread of COVID-19 – at the Centre for Foreigners had, in 2020, been held in container buildings with little natural light and refused access to the outside or to recreation areas. In the light of reports dating from earlier in 2023 of massive overcrowding at the asylum homes in Ljubljana and Logatec, it would be helpful to know what steps the State party was taking to guarantee appropriate conditions in those facilities and to ensure that they were not used as detention centres for asylum-seekers.

13. With reference to article 10 (b) of the amended Aliens Act, he would like to know what was meant by a “complex migration emergency”, under which access to international protection could be curtailed, and under what conditions the police would still allow an asylum-seeker to enter the country. Apparently one condition was the existence of systemic deficiencies in the international protection procedure of the country to which the person would otherwise be returned. He wondered how the existence of deficiencies of that nature would be determined and which countries were deemed to have such shortcomings. He was puzzled by the requirement that the person in question must provide “individual, plausible

and weighty” proof that he or she would face a real risk of torture if turned back, and he was at a loss to understand how potential applicants were supposed to produce such proof at a border crossing. Were they entitled to consult a lawyer to help them establish their claim? He was unsure whether individual, plausible and weighty proof could be regarded as synonymous with “substantial grounds”, the standard established in article 3 of the Convention. For that reason, he would be grateful for a precise definition of that phrase and an explanation of how a police officer was supposed to decide whether a person met the conditions for entry laid down in the above-mentioned article.

14. Given that an appeal against refoulement did not have a suspensive effect, which was inconsistent with the Convention, the Committee would appreciate any observations that that delegation might have on article 10 (b). The Committee would appreciate clarification of the difference between the amended Aliens Act and the version which had been struck down by the Constitutional Court.

15. It would be useful to have an update on the findings of the State party’s comprehensive review of the pilot programme to provide unaccompanied migrant minors with full-time professional care and accommodation in specialized establishments for young people and on any further steps taken to improve their treatment. In the response issued by the Government in 2017 to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on its visit to Slovenia, it had said that, unfortunately, children in migrant families had to bear the consequences of their parents’ decision. Was the State party still of that opinion? He was curious to know whether the State party had or intended to introduce a procedure for identifying and assisting persons entitled to protection under the 1954 Convention relating to the Status of Stateless Persons. Was there any prospect of Slovenia acceding to that Convention?

16. It was unclear from the information provided in paragraph 84 of the State party’s report whether persons whose names had been erased from the Register of Permanent Residents would be eligible for compensation and just satisfaction simply by virtue of their residence in the country or whether they would have to show that they had suffered some particular injury or injustice, for example the loss of pension rights. He therefore wished to know what percentage of the persons concerned had actually received compensation and how the relevant social or other benefits were calculated.

17. It would be useful to hear the delegation’s views on the measures taken by the State party to combat violence against women, in particular on its effort to conduct more research into the phenomenon, to devise and implement more effective measures to eliminate domestic violence, to train police and judicial officers who might have contact with victims and to build capacity to assess the effectiveness of any such measures. Any information on the establishment of referral centres for victims of rape and sexual violence would be most welcome. He would like to know whether it was true that proceedings could be initiated against a rapist only when a victim lodged a formal complaint and whether there were any moves to abolish that requirement.

18. He wondered whether the delegation could elaborate on the general situation of the Roma community in Slovenia. He was eager to hear its response to the statement made by the Office of the Human Rights Ombudsman that its recommendations for improving that situation had been disregarded. The Committee wished to learn what steps were being taken to promote the Roma community’s access to education, employment, health care and other services. It would also be helpful to hear the delegation’s assessment of the impact of any measures to prevent forced marriages of underage Roma girls and to address the issue of early pregnancy. In view of the fact that few cases of forced marriage had resulted in prosecution, he wondered if more could not be done to enforce the law on that subject.

19. It would be useful if the delegation could share any details on steps taken in pursuance of the recommendations made by the Subcommittee on Accreditation of GANHRI with respect to the role and funding of the Office of the Ombudsman. It would also be helpful if the delegation could provide figures showing the budget originally proposed by the Ombudsman and the amounts ultimately approved in previous years.

20. He wished to know whether the State party was prepared to introduce a statutory requirement that all interrogations of detainees must be recorded. The Committee would

appreciate information on whether the Ministry of the Interior had formulated a policy to give effect to the Ombudsman's recommendations regarding the use of tear gas and on any steps to ensure that the use of force by the police was limited to what was strictly necessary and proportionate. He further wished to know whether the Government had accepted the national preventive mechanism's recommendations concerning the refurbishment of police detention cells and whether it ensured that persons in police custody had access to the open air after spending more than 12 hours in detention. He would be interested to hear whether police interrogation procedures in Slovenia complied with the Principles on Effective Interviewing for Investigations and Information Gathering (Méndez Principles), or whether there were gaps or areas in need of improvement.

21. With reference to detainees' access to a lawyer, it would be useful to learn how it was decided whether the appointment of an ex officio lawyer met the "interests of justice" test and whether the new rules ensured access to a lawyer from the outset of deprivation of liberty.

22. He would like to know whether the amended Rules on Police Powers had entered into force and whether a video recording must be made whenever electrical discharge weapons were used. Would the police be allowed to use such weapons even if they were not outfitted with a video recording device?

23. **Ms. Püce** (Country Rapporteur) asked whether the State party had considered ensuring that the national preventive mechanism's budget was sufficient to cover the cost of translating information and providing legal representation for migrants and refugees who were being held in detention facilities.

24. She understood that the national preventive mechanism cooperated closely with the Government on matters related to the prison system and police stations but wished to know whether it worked with the Ministry of Health and the Ministry of Labour, Family and Social Affairs on matters related to psychiatric institutions and care homes, including homes for younger people. She would be interested to learn what recommendations the mechanism had made in relation to those facilities over the past four years and whether they had been accepted and implemented.

25. Although detention conditions in police stations were reportedly good, she would like to know what steps the State party was taking to provide detainees with opportunities for exercise, given the lack of exercise yards at some stations, and to provide better lighting in cells that were below ground level. In addition, she would be grateful for information on fundamental legal safeguards for arrestees, who allegedly were often unaware of their right to legal counsel and to legal aid if they could not afford to pay a lawyer themselves. She wondered whether that was why relatively few arrestees asserted their right to legal representation from the outset of their arrest or if there were other reasons. She was eager to know whether the police kept records on the number of persons who waived that right, how many public defenders there were, whether the law provided for the systematic granting of legal aid to juveniles and, if so, whether the police complied with that provision in practice. In the light of reports that access to free medical care was not consistently provided in police stations, she wished to know what procedures were in place for the provision of such care and whether the attending medical personnel were required to document and report signs of torture or ill-treatment. It would be useful to know whether the law provided for the right of persons held in custody to inform a relative or friend of their detention, whether that right applied from the moment the person was detained, whether any delay in the granting of that right was subject to the approval of a senior officer and whether there was a specific amount of time within which that right must be granted. Furthermore, she would be interested to hear whether the police provided interpretation services for arrestees and detainees who struggled to communicate in Slovenian.

26. It would be helpful to know whether the State party planned to promote the use of non-custodial sentences and methods, such as electronic monitoring. She was keen to know what percentage of the prison population was accounted for by pretrial detainees and how many convicted offenders had been given alternative sentences within approximately the past three years. She would welcome information on prison regimes, in particular on the activities offered to pretrial detainees, who reportedly were sometimes held in conditions that were

tantamount to solitary confinement, and on the vocational and educational activities available to the prison population as a whole.

27. The State party had reported that prisoners who had sustained injuries were taken to public medical facilities for treatment. She would be interested to learn whether the attending medical personnel received training on the application of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) to enable them to recognize, document and report signs of torture and, if so, to whom they reported their observations. If they did not, then she wished to know whether such training was provided to any other personnel who had contact with prisoners. Given claims that injured or unwell prisoners sometimes did not receive medical care late at night or on weekends, she wondered what efforts the State party was making to increase the number of medical personnel in prisons so that care could be provided whenever it was required and to fill vacancies for social workers, psychiatrists and other ancillary personnel in prisons. She would be grateful to know whether prisoners who had been subjected to inhuman or degrading treatment or inter-prisoner violence could submit complaints and, if so, to whom. Assuming that those complaints were logged, it would be useful to know how many had been received in the past four years, whether they had been investigated and what the outcomes of those investigations had been.

28. She would appreciate hearing the delegation's response to claims that juveniles were sometimes held in adult prisons owing to a lack of special facilities for them. She would also like to know more about the conditions in closed educational institutions for juvenile offenders and the training provided to the staff of those institutions. Did such juveniles have access to complaint mechanisms and, if so, how were their complaints processed? Information on the kinds of activities made available to them and on the treatment provided to those who had psychological or mental health conditions or alcohol or drug addictions would be welcome.

29. She would also be interested in learning which specific laws governed the operation of closed facilities such as psychiatric hospitals and what steps the State party was taking to improve conditions in such facilities. She would be grateful for information on the State party's efforts to increase the number of staff in psychiatric hospitals, given allegations that patients were at times deprived of outdoor exercise and activities owing to understaffing, and to provide staff with training in de-escalation techniques so that physical restraint was used only as a last resort. She was keen to learn how many times physical restraints had been resorted to in the past year, whether the use of restraints was monitored and what the average and maximum duration of their use was.

30. It would be helpful to have more information on the use of disciplinary measures in prisons, psychiatric hospitals and educational institutions. She wished to know whether the State party's use of solitary confinement was compliant with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), for how long it could be imposed, whether it had been imposed on juveniles and, if so, how many times in the past year. She wondered whether appeals could be lodged against disciplinary measures and, if so, with which authority, whether such appeals had suspensive effect pending their review, whether appellants were able to attend hearings of their appeals and which body issued the final decision in such cases. She understood that involuntary admissions to psychiatric hospitals could be subject to judicial review but would like to know how those reviews were instigated, how many voluntary and involuntary admissions there had been over the past three years and how many involuntary admissions had been found unlawful by the review court.

31. **Mr. Touzé** said that, in paragraphs 7 and 8 of its report, the State party had pointed out that the Convention did not explicitly place an obligation on States parties to ensure that crimes of torture were not subject to a statute of limitations. However, Slovenia was also party to the European Convention on Human Rights, and the opinion of the European Court of Human Rights, based on its jurisprudence, was that the commission of crimes of torture by agents of the State must not be subject to any statute of limitations. Five other States parties to the latter Convention had amended their legislation in line with the Court's guidance. He would like to know whether Slovenia also planned to amend its legislation to ensure that acts of torture committed by State agents were not subject to a statute of

limitations, in line with both the Court's guidance and the Committee's interpretation of article 2 of the Convention against Torture.

32. He feared that the State party might have misinterpreted a question raised by the Committee in its list of issues (CAT/C/SVN/QPR/4) regarding the recording of police interrogations. Whereas the State party's response, as given in its report, had focused on the use of recordings as evidence in court proceedings, the Committee wished to know whether the State party planned to have police record interrogations as a means of preventing torture and ill-treatment. The State party report referred to situations in which police officers had been required to record interrogations, but it was unclear in what circumstances they were required to do so and in what circumstances they were not. He would be grateful for clarification in that regard.

33. **Ms. Racu** said that she would be interested to know how many prisoners in the State party were currently serving life sentences, whether any particular regime was applicable to those prisoners, in what kind of conditions they were held, whether they were entitled to family visits, whether they participated in vocational training and reintegration programmes and whether they were engaged in any employment activities. In addition, she would welcome information on the steps taken by the State party to improve social services in prisons, considering that some older prisoners required specialized care.

34. The European Committee for the Prevention of Torture had previously found that the conditions in which some prisoners had been held under the reinforced security regime had led to injuries. She would appreciate up-to-date information on the number of prisoners held under that regime and on the measures taken to improve their conditions of detention.

The meeting was suspended at 12.05 p.m. and resumed at 12.20 p.m.

35. **Ms. Švarc Pipan** (Slovenia) said that her country lacked the capacity, including the requisite staff, to deal with the enormous number of foreigners who had recently entered Slovenia and applied for asylum, accommodation and health-care services. The courts' caseload had also been on the rise because of the increasing number of crimes being perpetrated by foreigners. The failure to provide translation and interpretation services in some cases, including in legal proceedings, was not due solely to a lack of funds but also to the lack of qualified personnel, especially for languages such as Farsi. As her country was unable to bear such a heavy burden on its own, it required international assistance.

36. With regard to articles 10 (a) and (b) of the Aliens Act, the introduction of the safe country concept in the context of migration had caused many problems, especially when the abstract interpretation of the principle was applied in individual cases. It would therefore be useful to specify the conditions for compliance with that principle at the international level.

37. **A representative of Slovenia** said that there had been cases in which officers had failed to follow the proper procedures and to record the applications for protection submitted by persons who had illegally entered Slovenia. Guidelines had therefore been issued in 2022 and training courses had been organized for police officers to ensure that they understood that they were required to assess a person's vulnerability and to establish whether he or she intended to request international protection.

38. The police had registered 51,354 illegal border crossings as of 5 November 2023, and some 49,700 foreigners had submitted an application for international protection or declared their intention to do so. Such persons were taken to an asylum centre as soon as possible. Applicants were interviewed in order to assess their situation, and foreigners who were accommodated in the Centre for Foreigners prior to being removed from the country were informed of the entire procedure in a language that they understood. The Ministry of the Interior was doing its utmost to provide a sufficient number of translators and interpreters for foreigners who entered Slovenia without the required documents. A proposal to use machine translation software was currently being prepared, bearing data protection needs in mind.

39. Some migrants had been housed in container buildings with little natural lighting in 2020 in an effort to curb the spread of COVID-19 and to safeguard the health of persons staying in the Centre for Foreigners. He could reassure the Committee that that practice had been discontinued.

40. The Slovenian armed forces were working on removing the wired fence along the southern border.

41. **A representative of Slovenia** said that the Human Rights Ombudsman regularly visited the asylum centre in Vič, and the Ombudsman's recommendations were taken into account by the Government Office for the Support and Integration of Migrants. The Office had received almost 50,000 requests for asylum in 2023. Vulnerable persons, unaccompanied minors and families were placed in the Logatec asylum centres. As Slovenia was a country of transit, the figures changed by the hour, but all persons applying for protection were provided with a bed, food and clothing.

42. Existing capacities had been expanded, including through the addition of container buildings with windows, lighting and heating, in order to ensure that the facilities were no longer overcrowded. Restrictions on movement had been imposed only during the COVID-19 pandemic.

43. There were two asylum centres in Logatec, one for vulnerable groups and one for Ukrainian refugees. The 70 Ukrainians housed in that centre wished to remain there. The persons accommodated in the asylum centre for males in the centre of Ljubljana were already well integrated into Slovenian society in accordance with the International Protection Act. Additional capacity was being actively sought.

44. A decree adopted in October 2023, which would enter into force on or around 1 February 2024, was designed to guarantee suitable care and treatment for unaccompanied minors, including those who had entered the country illegally. Under the terms of that decree, unaccompanied minors would be provided with assistance, including health checks and the assignment of statutory representatives, regardless of whether or not they had expressed an intention to apply for international protection. There were currently 10 unaccompanied minors in the Postojna facility and 20 in Logatec. There were plans to establish youth units where unaccompanied minors would live independently under the supervision of mentors. They would be provided with 24-hour care in the reception and accommodation centres. A total of 70 places would be available in the facility, which would be run by 16 expert staff members.

45. The Government Office for the Support and Integration of Migrants employed 55 interpreters for 21 languages, and contracts had been concluded with 49 translators for 27 different languages. Migrants were informed of the entire procedure for placement or accommodation and the activities in which they could participate. The local office of the Regional Representative for Central Europe of the Office of the United Nations High Commissioner for Refugees (UNHCR) provided training courses for the staff of the Government Office. The European Asylum Support Office had also recommended that additional training courses should be offered on the identification of vulnerable groups and the management of stressful situations.

46. **A representative of Slovenia** said that the migrant integration strategy that was currently being prepared would define a series of migration management objectives. Regional action was being taken by the Ministry of the Interior as part of what was known as the Brdo Process, which focused on regional cooperation in the fight against trafficking in human beings and migrant smuggling.

47. With regard to article 10 (b) of the Aliens Act, the concept of a "complex emergency" was not limited to migration. It was also applicable to other situations that had a severe impact on society and that required the use of special crisis management capabilities because they called for extremely swift response action. The Government announced the existence of a complex emergency upon being requested to do so by specific ministries, at which point article 10 (a) and (b) would be invoked. The declaration of such an emergency required the affirmative vote of an absolute majority of the members of the legislature. Some provisions of article 10 (b) were currently under constitutional review.

48. The provisions concerning such a declaration had been amended in response to a judgment issued by the Constitutional Court. Asylum rights were not automatically suspended but were assessed in the light of the safe third country standard and the principle of non-refoulement based on the jurisprudence of the European Court of Human Rights and

the reports of the European Council on Refugees and Exiles and other international organizations. Foreigners' situations were assessed on an individual basis. For example, if they faced the risk of being subjected to ill-treatment upon being returned to a specific country, the principle of non-refoulement prevailed. Unaccompanied minors were granted a special status in accordance with the decree adopted in October 2023. They also had the opportunity to lodge complaints.

The meeting rose at 1 p.m.